

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ISAAC BILAL PEARSON,)	
)	CIVIL ACTION NO. 3:21-cv-206
Plaintiff,)	
)	JUDGE KIM R. GIBSON
v.)	
)	
SERGEANT WOZNAK, <i>SCI Somerset,</i>)	
<i>Individual and Official Capacity,</i>)	
)	
Defendant.)	

MEMORANDUM ORDER

This matter is before Magistrate Judge Keith A. Pesto (the “Magistrate Judge”) in accordance with the Magistrates Act, 28 U.S.C. Section 636, and Local Civil Rule 72.

On December 1, 2021, Plaintiff Isaac Bilal Pearson’s (“Mr. Pearson”) Complaint was placed on the docket. (ECF No. 6). On December 21, 2021, the Magistrate Judge wrote a Report and Recommendation regarding Mr. Pearson’s Complaint. (ECF No. 9). In its Memorandum Order, this Court generally adopted the Magistrate Judge’s recommendation with respect to the disposition of Mr. Pearson’s Complaint. (ECF No. 25). Specifically, the Court dismissed all claims in the Complaint with one exception—Mr. Pearson’s First Amendment Retaliation claim as against Defendant Sergeant Woznak (“Mr. Woznak”). (*Id.* at 7–8). Further, the Court dismissed Mr. Pearson’s Eighth Amendment Deliberate Indifference claim as against Mr. Woznak without prejudice. (*Id.* at 8). Finally, the Court dismissed all of Mr. Pearson’s other claims with prejudice. (*Id.*).

On April 27, 2023, Mr. Pearson's Amended Complaint was placed on the docket. (ECF No. 26). In that document, Mr. Pearson advances: (1) a First Amendment Retaliation claim against Mr. Woznak and (2) Eighth Amendment claims against Mr. Woznak. (*Id.* at 1–4).

On November 16, 2023, Mr. Woznak filed a Partial Motion to Dismiss, requesting that the Court dismiss Mr. Pearson's Eighth Amendment claims against him, as well as all of Mr. Pearson's claims against him in his official capacity. (ECF No. 31). Mr. Pearson filed his Response to that Motion on January 11, 2024. (ECF No. 41 at 3).

On February 7, 2024, the Magistrate Judge issued a Report and Recommendation, recommending that the Court grant Mr. Woznak's Partial Motion to Dismiss at ECF No. 31. (ECF No. 40 at 1). Further, the Magistrate Judge noted that the parties could file written objections to the Report and Recommendation within fourteen days. (*Id.* at 3).

Mr. Pearson has not filed Objections to the Report and Recommendation at ECF No. 40, and the timeframe for doing so has passed.

Therefore, upon review of the Record and the Report and Recommendation under the applicable "reasoned consideration" standard, *see EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017) (stating the standard of review when no timely objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court accepts in whole the Magistrate Judge's findings in this matter and adopts the Report and Recommendation as the opinion of the Court for its reasoning and conclusions. Indeed, the Court agrees with the Magistrate Judge that: (1) Mr. Pearson has failed to state an Eighth Amendment Deliberate Indifference claim against Mr.

Woznak in his individual capacity¹ and (2) any claims by Mr. Pearson against Mr. Woznak in his official capacity are barred by the Eleventh Amendment. *Foye v. Wexford Health Sources Inc.*, 675 F. App'x 210, 213 (3d Cir. 2017) (“We agree with the District Court that [plaintiff] failed to state a claim against the Corrections Defendants in their official capacities because the Eleventh Amendment bars suit.”). Finally, the Court finds that permitting Mr. Pearson further leave to amend with respect to both his Eighth Amendment claim against Mr. Woznak in his individual capacity and his claims against Mr. Woznak in his official capacity would be futile. *Walker v. Zenk*, 323 F. App'x 144, 147 (3d Cir. 2009).

Accordingly, the following order is entered:

AND NOW, this 5th day of April, 2024, **IT IS HEREBY ORDERED** that Plaintiff Isaac Bilal Pearson's: (1) Eighth Amendment claims against Defendant Sergeant Woznak in his individual capacity and (2) claims against Defendant Woznak in his official capacity (ECF No. 26) are **DISMISSED WITH PREJUDICE** for the reasons set forth in the Report and Recommendation at ECF No. 40 and those above. Plaintiff's lone remaining claim—his claim for Retaliation in violation of the First Amendment as against Defendant Woznak in his individual capacity—shall

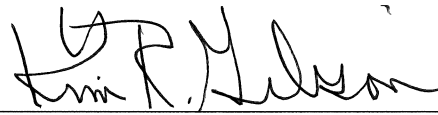
¹ The Court notes that, in giving Mr. Pearson leave to file an Amended Complaint, the Court only permitted him to advance: “(1) a First Amendment Retaliation claim against Mr. Wozn[ak] and (2) an Eighth Amendment Deliberate Indifference claim against Mr. Wozn[ak].” (ECF No. 25 at 8). Therefore, any additional Eighth Amendment claims by Mr. Pearson are not permitted. Further, even if Mr. Pearson were permitted to advance his Eighth Amendment claim against Mr. Woznak for allegedly “doctoring a false misconduct report” and “failing to correct and encouraging its continuation[.]” (ECF No. 26 at 3), the Court notes that such a claim likely cannot be brought pursuant to the Eighth Amendment. *Rieco v. Moran*, 633 F. App'x 76, 79 (3d Cir. 2015) (considering a claim that defendants issued a false misconduct report, offering no indication that such a claim can be brought pursuant to the Eighth Amendment, and affirming the District Court's dismissal of that claim). However, for the sake of clarity, the Court stresses that Mr. Pearson's allegations regarding the misconduct report are part of his Retaliation claim against Mr. Woznak in his individual capacity. (ECF No. 25 at 6–7).

advance in accordance with the schedule set forth by the Magistrate Judge. (ECF No. 40 at 3). The Clerk shall update the docket in this matter to reflect the fact that Defendant Woznak is no longer being sued in his official capacity.

IT IS FURTHER ORDERED that the Report and Recommendation at ECF No. 40 is adopted as the opinion of the Court for its reasoning and conclusions.

April 5, 2024

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

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